

Remarks

In the Office Action, restriction is deemed required, under 35 U.S.C. § 121, to one of the following groups of claims:

Group I: Claims 1-29, drawn to secure access to medical records (class 713, subclass 193); and

Group II: Claim 30-59, drawn to a medical records database (class 707, subclass 9).

Applicant provisionally elects Group I, claims 1-29, with traverse.

Remarks Regarding Restriction

As recited under M.P.E.P. 803, restriction is appropriate only when the groups can be shown to be distinct and there would be a "**serious burden**" placed on the Examiner to examine more than one group of claims. No such serious burden has been established and applicant respectfully requests that this restriction be withdrawn.

The examiner's comments in the Office Action add nothing to support an increased searching burden, but merely recite statements from the MPEP. Both groups of claims relate to secure medical records. Accordingly, it would appear that a search of one group necessarily includes a search of the other group.

Further, merely reciting text from the MPEP does not meet the burden of establishing a *prima facie* case for restriction. No comments are provided as to why a search burden of all groups is serious and, thus, a *prima facie* case for a restriction requirement has not been met.

A restriction requirement is imposed "only" when it would be a serious burden on the examiner to examine all of the claims at once. No serious searching burden has been established. Further, the burden to impose the restriction has not been met and remains with the PTO. Withdrawal of the restriction and examination of all claim groups is respectfully requested.

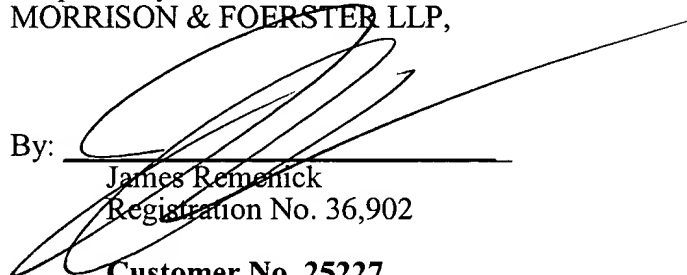
If the restriction is not withdrawn in its entirety, applicant respectfully requests that claims 46-59 be joined with the claims of Group I. The Group I claims are directed to “a broad-band, computer-based networked system” (see claim 1 preamble). Claims 46-59 are directed to “a computer system for the management of medical records” (see claim 46, preamble). At least because both sets of claims are directed to computer systems and computer systems of medical records, a search of the Group I claims would appear to necessarily include a search of claims 46-59. Examination of claims 1-29 and 46-59 in this application is respectfully requested.

Conclusion

The application is in condition for examination and the prompt issuance of an Office Action is earnestly solicited. If there are any fees due with the filing of this Response, including any fees for an extension of time or additional claims, applicant respectfully petitions for that extension and requests that any and all fees be charged to Deposit Account No. 03-1952 referencing Attorney Docket No. 54436-20002.00.

Respectfully submitted
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